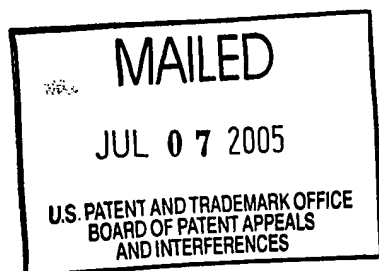


UNITED STATES PATENT AND TRADEMARK OFFICE



BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte BRIAN A. TOROK, RAMADA S. SMITH,
& VALERIE MONTGOMERY-RICE

Application No. 09/758,978

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on June 22, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the

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examiner. The matters requiring attention prior to docketing are identified below.

Section 1208 of the Manual of Patent Examining Procedure (MPEP) (Eighth Edition, August 2001) states:

APPEAL CONFERENCE

An appeal conference is mandatory in all cases in which an acceptable brief (MPEP § 1206) has been filed. . . .

. . . .

. . . If the examiner's answer does not contain the appropriate indication that an appeal conference has been held (i.e., including the names of the conferees and identifying themselves as the conferees along with their initials), the Board should return the application directly to the appropriate Technology Center (TC) Director for corrective action. . . . This procedure applies to all examiner's answers received by the Board on or after November 1, 2000.

The Examiner's Answer mailed December 15, 2003, is deficient in that one of the conferees, Ms. Angela Sykes, has not signed or initialed the Examiner's Answer.


Accordingly, it is

ORDERED that the application is returned to the Examiner:

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1. for taking corrective action in obtaining all the appeal conferees' signature or initials;
2. written notification to appellants of said corrective action; and
3. for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 
DALE M. SHAW
Program and Resource Administrator
(571) 272-9797

cc: Butzel Long
Docketing Department
100 Bloomfield Hills Parkway
Suite 200
Bloomfield Hills, MI 48304

dms/DMS